



## BRIEFING MEMO

To: Nutrients Work Group

From: Aimee Konowal, WQCD

Date: October 26, 2016

Subject: General Clean-up and Corrections

### General Clean-up and Corrections

The division expects there to be several types of general cleanup and corrections that would increase the usability and clarity of Regulation #85. The division will also propose to correct typographical and other minor errors. The division's current list of clean-up items for Regulation #85 includes:

Corrections/Typos	Recommended Changes to Regulation #85
The division proposes to clarify that the effluent limitations only apply to discharges to surface water and do not apply to discharges to groundwater.	<p>Page 1: Section 85.2 Applicability</p> <p>Proposed change: This regulation applies to point sources and nonpoint sources <u>to surface water</u> of nutrient as identified in this regulation.</p> <p>Page 2: Section 85.5, introductory sentence</p> <p>Proposed change: The effluent limitations and stormwater management practices in this section shall be implemented in the Colorado Discharge Permit System (CDPS) permit authorizing the discharge <u>to surface water</u> beginning no sooner than July 1, 2013.</p>

Corrections/Typos	Recommended Changes to Regulation #85
<p>The division proposes all references to running annual median be changed to rolling annual median. Running and rolling are equivalent terms but rolling medians and rolling averages are the terms used in permit implementation policies.</p>	<p>Page 2: Section 85.5(1)(a)(iii), Footnote 1 to Table. Proposed change: <del>Running</del> <u>Rolling</u> Annual Median.</p> <p>Page 2: Section 85.5(1)(b), Footnote 1 to Table. Proposed change: <del>Running</del> <u>Rolling</u> Annual Median.</p>
<p>Include the Hydrologic Unit Code numbers with the watershed names in 85.5(1)(a)(ii)(C).</p>	<p>Page 2: Section 85.5(1)(a)(ii)(C) Proposed change: Any existing permitted facility discharging into low priority 8-digit hydrologic units code watersheds [Purgatorie - <u>11020010</u>, John Martin - <u>11020009</u>, Upper San Juan - <u>14080101</u>, Lake Meredith - <u>11020005</u>, Upper White - <u>14050005</u>, San Luis - <u>13010003</u>, Chico - <u>11020004</u>, Kiowa - <u>10190010</u>, Middle South Platte-Sterling - <u>10190012</u>, San Miguel - <u>14030003</u>, Alamosa-Trinchera - <u>13010002</u>, McElmo - <u>14080202</u>, Lower Gunnison - <u>14020005</u>, Arkansas Headwaters - <u>11020001</u>, Upper Yampa - <u>14050001</u>, Upper Gunnison - <u>14020002</u> and Uncompahgre - <u>14020006</u>.]</p> <p>Page 3: Section 85.5(2)(a)(i) Proposed change: Delayed Implementation of Effluent Limits The numeric limits in subsections 85.54(1)(a)(iii)(a) and (b) above ... discharging into low priority 8-digit hydrologic units code watersheds [Purgatorie - <u>11020010</u>, John Martin - <u>11020009</u>, Upper San Juan - <u>14080101</u>, Lake Meredith - <u>11020005</u>, Upper White - <u>14050005</u>, San Luis - <u>13010003</u>, Chico - <u>11020004</u>, Kiowa - <u>10190010</u>, Middle South Platte-Sterling - <u>10190012</u>, San Miguel - <u>14030003</u>, Alamosa-Trinchera - <u>13010002</u>, McElmo - <u>14080202</u>, Lower Gunnison - <u>14020005</u>, Arkansas Headwaters - <u>11020001</u>, Upper Yampa - <u>14050001</u>, Upper Gunnison - <u>14020002</u> and Uncompahgre - <u>14020006</u>.]</p>

Corrections/Typos	Recommended Changes to Regulation #85
Clarify “Non-Domestic Wastewater Treatment Works” in this regulation to exclude stormwater.	<p>Page 4 Section 85.5(2)(a)(ii)(B) Proposed Change: any other non-domestic dischargers, <u>except stormwater</u>, for which the Division has determined...</p> <p>Page 4 Section 85.5(2)(b)(ii) Proposed Change: any other non-domestic dischargers, <u>except stormwater</u>, for which the Division has determined...</p>
The cooling tower data collection requirement in 85.6(2)(a) has been fulfilled and can be deleted.	<p>Pages 7-8, Section 85.6(2)(a) Proposed Change: Delete the following: “Monitoring of flow, TP, TN, and TIN is required for discharges from cooling towers to determine the relative amount of nutrient (if any) that is added to the flow diverted from state waters. Monitoring of the inflow, discharge, and any nutrient in added chemicals is required beginning November 1, 2012 and shall continue for a period of 24 months through October 31, 2014. A report summarizing all analytical results and the loads (lbs./day) in the inflow, the effluent, and added chemicals is required to be submitted by February 28, 2015.”</p>
The information required in 85.6(3) Point Source Data Collection - Municipal Separate Storm Sewer System Discharges has been provided to the division and this portion of the regulation can be deleted.	<p>Pages 9-11, Section 85.6(3) Proposed change: Delete the entire Section 86.6(3). Renumber the remainder of Section 86.6.</p>
Remove reference to the PQLs requirement in Regulation #61 in 85.6(4)(c) and reference the WQCD Policy CW 6.	<p>Page 11: Section 85.6(4)(c). Proposed change: “The analytical method for all effluent monitoring conducted in accordance with this Regulation shall be capable of reporting results at or below the practical quantitation limit (PQL), <u>as required by Regulation #64. Applicable PQLs can be found in WQCD Policy CW 6.</u>”</p>

Corrections/Typos	Recommended Changes to Regulation #85
<p>Modify the language to clarify that SAPs were due for existing facilities by March 2013, and that for new facilities they are due to the division by 6 months after permit issuance.</p>	<p>Page 11: Section 85.6(4)(d)  Proposed Change: The permittee shall submit a certification to the Division that the sampling and analysis plan is in place and that monitoring is taking place <u>by March 1, 2013. This certification is due to the Division by 6 months after permit issuance or by March 2013 if the permit was in place prior to March 2013.</u></p>
<p>Clarify the statement in 85.6(6) for the data submittal through a public repository to read that the Division must be notified by April 1st (not April 15th) that the data will be submitted via a data repository.</p> <p>Also clarify that the data repository must submit the data to the division and the division will make it accessible to the public. The eliminates the concern of duplicate data in national STORET.</p>	<p>Page 12: Section 85.6(6)  Proposed Change: “ If this option is selected, the Division must be notified by <u>April 15 April 1</u> of each year, <u>data must be submitted to the Division by April 15</u> and <u>the division will make</u> all relevant data <del>must be</del> accessible to the public. ”</p>
<p>Specify a period of time that the facility is expected to maintain their nutrient data (eg., for 5 years after submission).</p>	<p>Page 12: Section 86.6  Proposed Change: All data collected under Section 85.6 shall be maintained <u>by the facility for 5 years after submission</u> in an electronic form.</p>
<p>At 85.6(2)(b)(i)(c) - There are some facilities that only discharge for part of the year (eg., the summer). In this time when a facility is not discharging, the sampling event for that period must be reported as no discharge.</p>	<p>Page 9: Section 85.6(2)(b)(i)(C)  Proposed change: Frequency: Samples shall be collected a minimum of six times a year (every two months) for minor discharges and monthly for major discharges. <u>Should there be no discharge due to the plant being offline or other reasons, zero discharge will be reported for that monitoring event.</u></p>

Schedule:	Initial discussion	November 1, 2016
	Comments due	December 23, 2016
	Follow-up	January 12, 2017

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